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ELAN MICROELECTRONICS
CORPORATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

17 ELAN MICROELECTRONICS
CORPORATION.

Plaintiff,

VS.

PIXCIR MICROELECTRONICS CO. LTD.

Defendant

Case No.: 2:10-cv-00014-RCJ-PAL

**DECLARATION OF KAI ZHU IN
SUPPORT OF OPPOSITION TO
PIXCIR MICROELECTRONICS CO.
LTD'S. MOTION TO DISMISS FOR
LACK OF JURISDICTION**

KAI ZHU, hereby declares the following under penalty of perjury:

25 1. I am an attorney with the law firm of Alston & Bird LLP, counsel of record for
26 Plaintiff Elan Microelectronics Corp. (“Elan”) in this matter. I submit this declaration based on
27 personal knowledge and a reasonable investigation. If called upon as a witness, I could
28 competently testify to the truth of each statement below.

1 2. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No.
2 5,825,352 (“the ’352 patent”). The ’352 discloses and claims a touch-sensitive input device,
3 such as a computer touchpad or touchscreen. The ’352 patent also discloses and claims various
4 methods embodied in the touch-sensitive input device.

5 3. Attached hereto as **Exhibit 2** is a true and correct copy of a web page that I
6 downloaded from Pixcir Microelectronics Co. (“Pixcir”)’s website, <http://www.pixcir.com.cn/about.asp?Id=1>. It contains a company profile of Pixcir, which has its principal operation in
7 Suzhou, China.

8 4. Pixcir reported at its website that it had exhibited touchscreen electronics
9 incorporating its accused integrated circuits (“ICs”) at (1) the China International IC Exhibition
10 & Summit 2008 trade show, which was held from September 17 to September 19, 2008, in
11 Suzhou, China; (2) the Electronics Manufacturing Exposition 2008 trade show, which was held
12 from October 16 to October 19, 2008, in Suzhou, China; (3) the Flat Panel Display International
13 2008 trade show, which was held from October 29 to October 31, 2008, in Yokohama, Japan;
14 and (4) the International Touch Screen Exhibition 2008 trade show, which was held from
15 November 26 to November 28, 2008, in Shenzhen, China.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of a web page that I
17 downloaded from Wikipedia, located at
18 http://en.wikipedia.org/wiki/Consumer_Electronics_Show. It contains a description of the
19 International Consumer Electronics Show (“CES”). On information and belief, CES is one of
20 the largest technology-related trade shows in the world. CES is held each January in Las Vegas,
21 Nevada.

22 6. Attached hereto as **Exhibit 4** is a certified translation of a true and correct copy of
23 an article, along with the original article, that I obtained from a Taiwanese newspaper,
24 DigiTimes. The article was dated January 8, 2009, and can be found at
25 http://www.digitimes.com.tw/tw/dt/n/shwnws.asp?CnID=7&id=0000119661_MQ756ADN729TJ506YO8LW (subscription is required for full access). Quoting the president of Pixcir, the
26 DigiTimes article reported that Pixcir would “launch 8.9” capacitive touch control panels at CES
27
28

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1 held in US[].” Pixcir’s president told DigiTimes that “PixCir’s marketing in the US [was] being
2 run by dealers,” and hoped that Pixcir’s exhibition at CES 2009 would “allow major US firms in
3 the industry to gain a better understanding of PixCir’s technology R&D and application
4 capabilities.”

5 7. Attached hereto as **Exhibit 5** is a true and correct copy of various web pages
6 screenshots that I captured from YouTube, a California-based video-sharing website where users
7 can upload, share, and view videos. The screenshots show information about a YouTube user
8 “pixcirSuzhou” and the 17 video clips that have been uploaded to YouTube to date by
9 “pixcirSuzhou.” Those video clips show the features of various touchscreen products
10 incorporating Pixcir’s accused ICs. The user “pixcirSuzhou” opened its YouTube account on
11 December 26, 2008 and named “<http://www.pixcir.com.cn>,” the official website of Pixcir, as its
12 own website. The user also used a short introduction of Pixcir as its own profile. Among the 17
13 video clips, 13 were uploaded before January 7, 2009, the first day of CES 2009.

14 8. Attached hereto as **Exhibit 6** is a true and correct copy of a web page screenshot
15 that I captured from <http://netbooked.net/blog/8-9-inch-multi-touch-netbook-screen-demoed>.
16 The screenshot shows a “blog” or “web log” entry dated January 7, 2009, the first day of CES
17 2009. The blog reported from CES 2009 that Pixcir “ha[d] been developing a multi-touch
18 []capacitive touchscreen and ha[d] shown a video of it applied to a netbook screen.” The blog
19 further detailed many features of the multi-touch touchscreen shown by Pixcir. Those features
20 are the same as those shown in the YouTube video clips referenced in paragraph 7 and
21 demonstrated in **Exhibit 5**.

22 9. Attached hereto as **Exhibit 7** is a true and correct copy of a screenshot showing
23 an Italian web page and its corresponding English version that was automatically generated
24 online by Google Translate. I captured both screenshots from
25 http://grigio.org/multitouch_screen_netbook_arrivo_dal_ces_2009. The title of the screenshot
26 translated into English is “Multitouch screen netbook coming from CES 2009.” The Italian web
27 page embeds and shows a YouTube video clip, located at
28 <http://www.youtube.com/watch?v=Ccw1Vhj0MII>, that is also one of the Pixcir video clips

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1 referenced in paragraph 7 and demonstrated in **Exhibit 5**. YouTube's website shows that this
2 video, entitled "PIXCIR EeePC 8.9' Capacitive Multi-Touch Demo," was uploaded to YouTube
3 by "pixcirSuzhou" on December 26, 2008. "Eee PC" is the brand name of a series of notebook
4 computers made by ASUSTeK Computer Inc. ("Asus"). The Italian web page further contains a
5 caption "PIXCIR, Asus N20, Iphone Nano 'taroc Edition'" for and beneath the embedded
6 YouTube video. The "Asus N20" portion of the caption is hyperlinked to an article, located at
7 [http://blog.laptopmag.com/hands-on-with-asus-convertible-eee-pc-t91-and-](http://blog.laptopmag.com/hands-on-with-asus-convertible-eee-pc-t91-and-t101h#axzz12gNBkpFh)
8 [t101h#axzz12gNBkpFh](http://blog.laptopmag.com/hands-on-with-asus-convertible-eee-pc-t91-and-t101h#axzz12gNBkpFh), that reported on January 7, 2007 Asus's demonstration of a prototype
9 multi-touch touchscreen notebook computer, Eee PC N20, at CES 2009. On information and
10 belief that prototype included the accused Pixcir ICs. The "Iphone Nano" portion of the caption
11 is hyperlinked to a YouTube video clip at <http://www.youtube.com/watch?v=p7C0ZR2vOWk>.
12 This video was uploaded on January 6, 2009, one day before CES 2009, by a YouTube user
13 "Kelvin737," and it is almost identical to a video that was uploaded by "pixcirSuzhou" at
14 <http://www.youtube.com/watch?v=Lnjof8amRRs>, which is demonstrated in Exhibit 5. Both the
15 "Kelvin737" video and the "pixcirSuzhou" are entitled "Pixcir two fingers (gesture decoding
16 improved);;" they demonstrate a multi-touch touchscreen mobile phone that appears similar to
17 Apple Inc.'s iPhone products.

18 10. Attached hereto as **Exhibit 8** are a true and correct copy of a screenshot of a web
19 page in French and its corresponding English translation automatically generated online by
20 Google Translate. The French page was dated January 8, 2009, the second day of CES 2009. I
21 captured both screenshots from <http://www.blogeee.net/2009/01/une-technologie-multitouch-pour-ecran-de-netbook-par-pixcir>. The French web page embeds and shows two of the Pixcir
22 YouTube video clips that are demonstrated in **Exhibit 5**. One of those two is the same "PIXCIR
23 EeePC 8.9' Capacitive Multi-Touch Demo" video that is referenced in paragraphs 7 and 9 and
24 demonstrated in **Exhibits 5 and 7**. The English version of the French web page screenshot,
25 entitled "Technology multitouch screen by netbook PIXCIR," reported that "PIXCIR ride [sic,
26 'rode'] the wave netbook at CES to showcase a vehicle equipped with their touchscreen
27 multitouch technology."

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1 11. Attached hereto as **Exhibit 9** is a true and correct copy of a screenshot of a Swiss
2 web page in German language and a corresponding English translation automatically generated
3 online by Google Translate. The Swiss page was dated January 8, 2009, the second day of CES
4 2009. I captured both screenshots from <http://www.eeeblog.ch/2009/01/08/multitouch-displays-fuer-netbooks>. The Swiss web page embeds and shows a YouTube video clip that is almost
5 identical to the YouTube video “PIXCIR EeePC 8.9’ Capacitive Multi-Touch Demo” referenced
6 in paragraphs 7, 9, and 10 and demonstrated in **Exhibits 5, 7, and 8**. This video, located at
7 <http://www.youtube.com/watch?v=DD9c6zbILcg>, was also uploaded to YouTube on January 6,
8 2009, one day before CES 2009, by “Kelvin737.” The English version of the Swiss web page
9 screenshot, entitled “Multi-touch screens for netbooks,” stated that “[t]he company has PIXCIR
10 are now [sic] presented at the CES in Las Vegas, a first netbook with a multi-touch display.”

11 12. Attached hereto as **Exhibit 10** is a true and correct copy of various web page
12 screenshots that I captured from Pixcir’s website, including both the original screenshots in
13 Chinese and their corresponding English translations that were automatically generated online by
14 Google Translate. The screenshots show that Pixcir has supplied its accused touchscreen ICs to
15 all the top five personal computer (“PC”) makers of the world, other major PC makers, and top
16 mobile phone makers. Such Pixcir customers include Dell, Hewlett Packard, Lenovo, Nokia,
17 and Acer. In an article posted at Pixcir’s website on December 24, 2009, Pixcir stated that Acer
18 Inc.’s Aspire 5738PG multi-touch touchscreen notebook computer had incorporated Pixcir’s
19 accused ICs and had been available for sale.

20 13. Attached hereto as **Exhibit 11** is a true and correct copy of a web page that I
21 downloaded from <http://www.i4u.com/31018/acer-aspire-5738pg-touchscreen-windows-7-notebook>. It reported on October 14, 2009 that Acer Inc.’s Aspire 5738PG touchscreen
22 computer had been offered for sale at select retailers, including Amazon.com, in the United
23 States.

24 14. Attached hereto as **Exhibit 12** is a certified translation of a true and correct copy
25 of an article posted at Pixcir’s website on January 15, 2010, entitled “PIXCIR Touch-Control
26 Technological Solution Shines at CES,” that I downloaded from Pixcir’s website,

1 http://www.pixcir.com.cn/newInfo.asp?id=58.

2 15. Attached hereto as **Exhibit 13** is a certified translation of a true and correct copy
3 of a PowerPoint presentation, entitled “CES 2010,” that I downloaded from Pixcir’s website,
4 http://www.pixcir.com.cn/CES%202010%20report.ppt. It reported CES 2010 in general and
5 “[p]roducts showcased by PIXCIR clients at CES” in particular. On information and belief, the
6 Lenovo computer demonstrated on slide 18 is Lenovo’s Ideapad S10-3, and the Dell 5-inch
7 mobile device demonstrated on slides 3, 18, and 19 is Dell’s Streak phone.

8 16. Attached hereto as **Exhibit 14** is a true and correct copy of a web page that I
9 downloaded from http://www.crunchgear.com/2009/10/21/dells-5-inch-android-mid-leaks-out.
10 It discussed on October 21, 2009 a new 5-inch touchscreen phone, identified as Streak, that was
11 made by Dell.

12 17. Attached hereto as **Exhibit 15** is a true and correct copy of a web page screenshot
13 that I captured from a YouTube video clip, located at
14 http://www.youtube.com/watch?v=kKu1nbBPfV8. The screenshot shows that Dell was
15 demonstrating a tablet mobile phone at its press conference at CES 2010. The video clip was
16 uploaded to YouTube on January 8, 2010.

17 18. The Dell Streak phone is currently for sale throughout the United States and in
18 this district at least through Dell’s website at http://www.dell.com/us/business/p/mobile-
19 streak/pd?refid=mobile-streak or through Amazon.com.

20 19. Attached hereto as **Exhibit 16** is a true and correct copy of a web page screenshot
21 that I captured from http://www.slashgear.com/lenovo-ideapad-s10-3-and-multitouch-s10-3t-
22 netbooks-arrive-0567520. It shows that information about Lenovo’s Ideapad S10-3 computer
23 was available on the internet on January 5, 2010, before CES 2010.

24 20. Attached hereto as **Exhibit 17** is a true and correct copy of a web page screenshot
25 that I captured from http://www.amazon.com/Lenovo-S10-3-0647-29U-10-1-Inch-
26 Netbook/dp/B0032ALW52. It shows that Lenovo’s Ideapad S10-3 computer has been available
27 for sale throughout the United States and in this district at least through Amazon.com.

28 //

21. Microsoft Corp.'s Windows 7 operating system was released for general retail on October 22, 2009.

22. Attached hereto as **Exhibit 18** is a true and correct copy of a web page that I downloaded from <http://arstechnica.com/hardware/news/2010/01/while-pc-market-rebounds-apple-slips-into-5th-place-in-us.ars>. It reported on January 14, 2010 the US market shares of major PC makers in 2008 and 2009.

I declare under penalty of perjury, under the laws of the State of Nevada (NRS 53.045) and under the laws of the United States of America, that the foregoing is true and correct.

EXECUTED this 21st day of October, 2010, in Menlo Park, California.

Kai Zhu

CERTIFICATE OF SERVICE

I hereby certify that I am a shareholder of Kolesar & Leatham, Chtd., and that on the 21st day of October, 2010, I caused to be served a true and correct copy of foregoing

**DECLARATION OF KAI ZHU IN SUPPORT OF OPPOSITION TO PIXCIR
MICROELECTRONICS CO. LTD'S. MOTION TO DISMISS FOR LACK OF
JURISDICTION** in the following manner:

(ELECTRONIC SERVICE) Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

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*Attorneys for Defendant
Pixcir Microelectronics Corporation*

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last-known mailing addresses, on the date above written:

18 Robert E. Krebs, Esq.
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23 *Attorneys for Defendant
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24 DATED this 21st day of October, 2010.

KOLE SAR & LEATHAM, CHTD.

By: Robert J. Caldwell
ROBERT J. CALDWELL, ESQ.